

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

STERLING PAIGE DEWVALL §

v. §

PALIO'S FIVE STAR, INC. D/B/A PALIO'S §  
PIZZA CAFÉ §

CASE NO. 4:15-CV-156  
(Judge Mazzant)

**MEMORANDUM ADOPTING REPORT AND**  
**RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 21, 2015, the report of the Magistrate Judge was entered (Dkt. #26) containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Plaintiff's State Common Law Claims (Dkt. #8) be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss Plaintiff's State Common Law Claims (Dkt. #8) is **GRANTED**, and Plaintiff's claims for assault and battery, negligence, and gross negligence (negligent supervision and retention) are dismissed with prejudice.

**IT IS SO ORDERED.**

**SIGNED this 14th day of October, 2015.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE